

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

66cv06639 MV/WPL

R. LEE AAMODT *et al.*,

Defendants,

and

UNITED STATES OF AMERICA,
PUEBLO DE NAMBÉ,
PUEBLO DE POJOAQUE,
PUEBLO DE SAN ILDEFONSO,
and PUEBLO DE TESUQUE,

Plaintiffs-in-Intervention.

**SECOND AMENDED PROCEDURAL ORDER
REGARDING APPROVAL OF SETTLEMENT AGREEMENT**

THIS MATTER comes before the Court on the Motion of Settlement Parties to Amend Order Establishing Procedures and Approve Revised Form of Order to Show Cause. (Doc. 7971, filed October 3, 2013).

On February 9, 2011, the Court entered its Amended Order Establishing Procedures for (1) Approval of Settlement Agreement, (2) Entry of a Partial Final Decree, and (3) Entry of Interim Administrative Order (“Amended Order”). (Doc. 7310). The Amended Order states that the Court will enter an Order to Show Cause why the Court should not adjudicate the Pueblo rights in accordance with the Settlement Agreement, approve the Settlement Agreement, enter a Partial Final Decree, and enter an Interim Administrative Order consistent with the Settlement Agreement. The Amended Order set deadlines for mailing and publication of the Order to Show Cause. The Amended Order requires that Exhibits to the Order to Show Cause include: (1) the proposed Partial Final Decree; (2) the proposed Interim Administrative Order; (3) the signature page; (4) the

Settlement Agreement; and (5) the Settlement Act. The Amended Order requires that the State and the United States publish and post the Order to Show Cause in both English and Spanish. The Amended Order also set deadlines for parties to submit a form accepting the Settlement Agreement and electing to enter into the Settlement Agreement, and to submit objections to the Settlement Agreement.

In their motion now before the Court, the Settlement Parties request that the Court amend its Amended Order to:

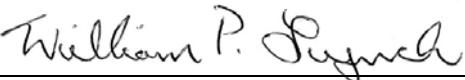
1. shorten the deadlines for mailing and publication of the Order to Show cause under Sections C and D of the Amended Order from 90 days to 60 days;
2. shorten the deadlines for filing Acceptance and Election forms or Objections under Sections E and F from 180 days to 120 days;
3. approve the revised forms of Order to Show Cause, Acceptance and Election, and Objection attached hereto as Exhibits A, B, and C;¹ and
4. after the State files the updated service list, enter the Order to Show Cause in Spanish as well as English.

The Court will **GRANT** the motion. The Court finds that the shortened deadlines are reasonable given that Congressional authorization of the Settlement Agreement requires that a partial final decree setting forth the water rights of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque be approved by the Court by September 15, 2017. *See* 124 Stat. 3064. The Settlement Parties' request to approve the revised Order to Show Cause, which includes a summaries of the 58-page proposed Partial Final Decree, the 70-page Settlement Agreement and the Interim

¹The Settlement Parties subsequently filed a Notice of Errata Concerning Exhibits B and C and submitted revised forms of the Acceptance and Election and Objection. (Doc. 7983, filed October 28, 2013). The revised forms attached to the Notice of Errata include an additional line, after the line for providing a well number, to provide the physical address or lot description of the location of the well.

Administrative Order instead of attaching them as exhibits, is reasonable. The Court finds that the summaries are appropriate because: (1) the Order to Show Cause notifies parties that copies of the proposed Partial Final Decree, Settlement Agreement and Interim Administrative Order are available for review at the Office of the State Engineer in Santa Fe, at the Pojoaque Satellite Office of Santa Fe County and online at the Office of the State Engineer's website; and (2) that serving each party with the entire proposed Partial Final Decree and Settlement Agreement would unduly increase the costs to the State and the United States. No responses opposing the motion have been filed.

IT IS SO ORDERED.


WILLIAM P. LYNCH
UNITED STATES MAGISTRATE JUDGE